

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION**JANUARY 10, 2008**MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT**08 C 50008**

Travelers Casualty and Surety Company of America,)
Plaintiff,) Case No.:
v.) Judge:
Young Construction & Paving, LLC; Karen B. Young; Gordon T. Young; Jeffrey D. Young; Monica L. Young; Joseph Wells; Terri Wells; Luke D. Vander Bleek; and Joan L. Vander Bleek,)
Defendants.

**JUDGE KAPALA
MAGISTRATE JUDGE MAHONEY****TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA'S MOTION FOR PRELIMINARY INJUNCTION**

Travelers Casualty and Surety Company of America ("Travelers"), by and through its undersigned counsel at Hinshaw & Culbertson LLP, in accordance with Rule 65(b) of the Federal Rules of Civil Procedure, moves this Court for entry of a Preliminary Injunction Order, requiring the Defendants Young Construction & Paving, LLC, Karen B. Young, Gordon T. Young, Jeffrey D. Young, Monica L. Young, Joseph Wells, Terri Wells, Luke D. Vander Bleek, and Joan L. Vander Bleek (collectively, "Indemnitors") to: (1) post collateral with Travelers, sufficient to protect and hold harmless Travelers from losses attributable to project completion costs and claims asserted against performance and payment bonds issued by Travelers on behalf of Defendant Young Construction & Paving, LLC; and (2) to freeze and prohibit the transfer of all assets of the Indemnitors to assure they are available for creditors, including Travelers. The basis for the relief sought by Travelers is Travelers' right to *quia timet* relief as the surety for Young Construction & Paving, LLC, Travelers' right to specific performance of a collateral posting provision in an Indemnity Agreement executed by the Indemnitors, and the exceptional circumstances created by Young Construction & Paving, LLC's default on a bonded construction

project. In further support of this Motion, Travelers offers the accompanying Memorandum of Law, complete with its various Exhibits.

Respectfully submitted,

**TRAVELERS CASUALTY AND SURETY
COMPANY OF AMERICA**

By:/s/ John E. Sebastian

One of its Attorneys

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